

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case Nos. CIV-16-593-D
	)	CR-08-166-D
	)	
ANTONIO DJUAN THOMPSON,	)	
	)	
Defendant.	)	

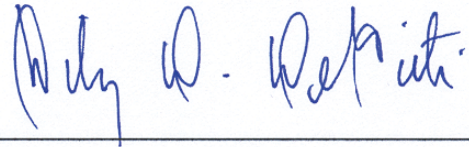
**ORDER DENYING CERTIFICATE OF APPEALABILITY**

Pursuant to 28 U.S.C. § 2255, Defendant moved to vacate his sentence under *Johnson v. United States*, \_\_ U.S. \_\_, 135 S. Ct. 2551, 192 L.Ed.2d 569 (2015), as made retroactive to cases on collateral review by *Welch v. United States*, \_\_ U.S. \_\_, 136 S. Ct. 1257, 194 L.Ed.2d 387 (2016). On December 7, 2017, the Court denied Defendant’s Motion on the grounds that his conviction for assault with a dangerous weapon qualified as a “violent felony” under the pertinent provisions of the Armed Career Criminal Act (“ACCA”) for sentencing enhancement purposes [Doc. No. 118]. Defendant filed a Notice of Appeal, but the Tenth Circuit issued a limited remand to this Court to consider first whether a certificate of appealability (COA) should be issued [Doc. No. 128].

A COA may issue only if the petitioner “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner satisfies

this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further. *Miller-El v. Cockrell*, 537 U.S. 322, 326 (2003). Upon consideration, and for the reasons set forth in the Court's aforementioned Order, the Court finds the requisite standard is not met in this case. Therefore, a COA is **DENIED**.

**IT IS SO ORDERED** this 22<sup>nd</sup> day of January 2018.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE